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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/722,370

11/25/2003

Kevin P. Cowan

VI/03-015

8594

21140

7590

10/12/2006

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EXAMINER

WITCZAK, CATHERINE

ART UNIT

PAPER NUMBER

3767

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,370

Applicant(s)

COWAN, KEVIN P.

Examiner

Catherine N. Witczak

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3767

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

~~~~~ 10/3/06

## DETAILED ACTION

### *Specification*

The abstract of the disclosure is objected to because it exceeds the 150 word limit. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hitchins et al.

Claims 1, 2, 5, 6, 10, 13, 14, 15, 17, 19 and 21: Hitchins et al disclose in Figures 1B and 11 an injector (20) comprising a housing (21) and a drive member (22) comprising a retaining member (412) and outwardly extending flange members (414 and 416); a syringe (10) comprising a body (50) and a plunger (15) comprising a wall/base member (444) having an inner surface defining a retaining shoulder (space in which the letter "F" is located) and inwardly projecting flanges/connection members (440) which are fixedly disposed on the inner surface of the wall; wherein at least one retaining member (412) on the drive member is adapted to engage with the retaining shoulder to enable the drive member to retract the plunger (Figure 2B); and wherein the inwardly projecting flanges (440) are adapted to engage the engaging flange members on the drive member (414 and 416) when the syringe is rotated about its longitudinal axis operable to cause the retaining member to disengage the retaining shoulder (column 14, lines 10-15).

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Claims 3, 4, 8, 9, 12, 16 and 18: Hitchins et al disclose in Figure 11 the plurality of flanges (440) spaced evenly, radially, and longitudinally along the wall

Claims 7 and 18: Hitchins et al disclose in Figures 1B and 11 the body (50) and plunger wall (444) being substantially cylindrical.

Claim 11: Hitchins et al disclose in Figure 11 the interior surface of the wall (444) defining a retaining shoulder formed on an axial plane and the plurality of inwardly projecting flanges (440) radially spaced along the interior surface of the wall and extending in a longitudinal direction proximal to the retaining shoulder.

#### ***Response to Arguments***

Applicant's arguments filed 8/4/2006 have been fully considered but they are not persuasive. Applicant argues that Hutchins does not disclose a "wall" and states that instead, Hutchins discloses a "stem." Examiner points out that although the term "stem" Hutchins uses to describe his structure is different than the Applicant's term "wall," Hutchins' features read on the limitations of Applicant's claimed "wall" structures, and therefor the rejection is maintained.

#### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine N. Witczak whose telephone number is (571) 272-7179. The examiner can normally be reached on Monday through Friday, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cw



10/31/06

KEVIN C. SIRMONS  
SUPERVISORY PATENT EXAMINER

